

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Mary Jane Baker, Chairman, presiding.

Members Present: Mary Jane Baker, Albert Stewart, Bill Hobbs, and John Simmermon.

Members Absent: Rick Durham

Also Present: Bill Maxwell, Interim Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, Elizabeth Bruns, Secretary.

CURRENT BUSINESS

1. Roll call taken, one member, Rick Durham, being absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Member Stewart made a motion, seconded by Member Hobbs to approve the minutes. The vote was unanimous in favor of the motion.

NEW BUSINESS

1. Petition: 2010-V-009 Variance Zoning: AG
Address: North side of 400 South, approximately ¼ east of 300 East
Location: North side of 400 South, approximately ¼ east of 300 East
Petitioner: Daniel D. Brown
Request: Variance of Development Standards to build a pole barn prior to building a residential dwelling.

Member Maxwell read the staff report.

Daniel D. Brown - 8163 Stoltz Road, Greenville, OH

I would like to build a barn for my horses, and am not sure when I will have the money to build the house. The reason that I can only build 150' from the front of the property is because I have a tile that runs through the middle of my property that requires me to stay 75' away. Mr. Brown also indicated that the home would be built to the east of the barn.

Gerald Shine, Planning Commission Attorney stated: speaking from a Drainage Board issue, if there is a legal drain going through the property you can not dig a pond within 75' if the tile without Drainage Board approval.

Further discussion held between Board Members on the tile and the drainage problems that exist in this area.

Chairman Baker asked how soon do you think you will be able to build your home.

Mr. Brown replied; it all depends on how long it is going to take me to build this barn and how long it takes me to acquire enough money to build a home.

Member Hobbs asked if the pond was just for esthetics? Is that just for your own personal use?

Mr. Brown replied that it was to help with the water problem.

Member Simmermon stated that if the barn was set behind the pond it would be better located for the use of the pasture and the barn together.

Brenda Ginn – 3246 East 400 South. Brenda stated her concerns with the swale that runs through the properties and the possible problems the proposed barn could cause with the flow of this swale.

Tom Hadly - I live in the first 5-acre lot. When I built this place I inquired about a barn permit and was told that I have to build a house first, and to build a house you have to get a septic permit. We have a property next to Mr. Browns, owned by Charlie Brown with a barn built on it that Cory Wilson approved without requiring him to get a variance or anything. Mr. Hadly expressed his concerns about having a bunch of commercial barns (basically for the horse track), and no one living on these properties.

Gary Louderback - I live at the corner of 400 South and 380 East. We have had water issues for 32 years. I have no problems with Mr. Brown wanting horses, as long as he builds a house. Why did you allow for this other barn to be constructed over the drain? This man never built a house. I want houses because I want the tax base to go up.

Steve Olden - I live at 3502 East 400 South. My issue is also with the drainage. I live to the east of Charlie Brown's barn and since he built that barn we have terrible water problems.

Mr. Maxwell stated his concerns for allowing a barn to be built on a property that does not have a dwelling. The horses could get sick or be injured and if there is not a home on this property, it could be some time before anyone comes to check on them. I have not heard of any intentions of putting a home on this parcel in the near future.

Steve Kline - I live on the corner of 400 South and 300 East. My only concern is how big is the pond going to be? Where is all of the dirt going to go?

The pond is going to be 150' x 100' and 12' deep. The dirt that is removed from the pond will be used to build a pad for the construction of the barn. Whatever is left I plan to take to the back of the property.

Discussion held between Board Members regarding the Drainage Board and Permitting Requirements for digging a pond.

Barbara Whitaker – 3482 East 400 South

In listening to all of this discussion and all of the neighbors in the area, can we assume that this issue will be brought to the drainage board? What are the steps that need to be taken so that Mr. Brown can go on with his building if we all are good with the water situation?

Mr. Shine indicated that should he go ahead with the residence, he would have to go to the Board of Health and get a permit for his septic system, and if there is any work to be done within 75' of the drain he would have to obtain Drainage Board approval.

Chairman Baker expressed that her biggest concern was with the drainage issue.

Member Hobbs stated that a perk test itself is not enough, it has to be a perk test that is submitted to the Board of Health so that they can review and then approve for the septic system.

Mr. Maxwell has concerns with the depth of the pond that he is planning on digging.

Member Stewart made a motion to disapprove Petition 2010-V-009 it does not meet the Madison County Land Use and Development Code, which does not permit the construction of an accessory structure prior to the establishment of a primary dwelling. We do not have anything to indicate that he is at this point going to build a house. Member Hobbs seconded the motion. Roll call vote taken. Vote was unanimous in favor of the motion. Petition 2010-V-009 denied.

Member Hobbs said, as I understand it Mr. Brown still has the option of going back and presenting his home plans.

Mr. Shine said at this time we have the pond ordinance under consideration, but it has not been adopted. It will be adopted, but at this time the construction of a pond is not a permissible matter unless it is within 75' of the legal drain.

MISCELLANEOUS

Mr. Shine gave a status update on the Landfill and the Supreme Court.

Member Hobbs made a motion to adjourn, seconded by Member Stewart.

Adjournment: 9:54:38 A.M.

Mary Jane Baker, Chairman

Elizabeth Bruns, Secretary